

Filed 5/28/14 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2014 ND 98

Raymond Voisine, Petitioner and Appellant

v.

State of North Dakota, Respondent and Appellee

No. 20140010

Appeal from the District Court of Sheridan County, South Central Judicial District, the Honorable Sonna M. Anderson, Judge.

AFFIRMED.

Per Curiam.

Kent M. Morrow, P.O. Box 2155, Bismarck, N.D. 58502-2155, for petitioner and appellant; on brief.

Jonathan R. Byers, Assistant Attorney General, 600 East Boulevard Avenue, Bismarck, N.D. 58505-0040, for respondent and appellee; on brief.

Voisine v. State

No. 20140010

Per Curiam.

[¶1] Raymond Voisine appeals from a district court order denying his petition for postconviction relief from a conviction entered after his 2004 guilty plea to a charge of gross sexual imposition. Voisine's conviction resulted in proceedings leading to four separate appeals to this Court. See Voisine v. State, 2008 ND 91, ¶ 17, 748 N.W.2d 429 (reversing and vacating revocation of probation in postconviction proceeding); Matter of Voisine, 2010 ND 17, ¶¶ 1, 15, 777 N.W.2d 908 (reversing involuntary commitment as sexually dangerous individual and remanding for further proceedings); In Interest of Voisine, 2010 ND 241, ¶ 1, 795 N.W.2d 38 (summarily affirming involuntary commitment as sexually dangerous individual); Interest of Voisine, 2012 ND 250, ¶ 1, 823 N.W.2d 786 (summarily affirming denial of request for discharge from commitment as sexually dangerous offender).

[¶2] In this appeal, Voisine argues the district court erred in denying his petition for relief from his conviction for gross sexual imposition because the victim's recantation constitutes newly discovered evidence requiring vacation of the guilty plea in the interest of justice. We conclude the district court did not abuse its discretion in finding Voisine failed to establish withdrawal of his guilty plea was necessary to correct a manifest injustice, and we affirm under N.D.R.App.P. 35.1(a)(4).

[¶3] Gerald W. VandeWalle, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Carol Ronning Kapsner
Dale V. Sandstrom